

SVP

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FD-350 (Rev. 1-25-79)
08 JUN 19 AM 11:46

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
Juan MARTINEZ-Ramirez,)
Defendant.)

)

Magistrate Case No. 18 MJ 1889

BY:

ECL

DEPUTY

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326

Attempted Entry After
Deportation

The undersigned complainant being duly sworn states:

On or about **June 18, 2008**, within the Southern District of California, defendant **Juan MARTINEZ-Ramirez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro, California, Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 Sara Esparagoza, United States Customs
 and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS **19th** DAY OF JUNE, 2008.


 UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On June 18, 2008, at approximately 3:42 AM, **Juan MARTINEZ-Ramirez (Defendant)** applied for admission into the United States from Mexico at the San Ysidro, California Port of Entry via the vehicle primary lanes. Defendant was the driver of a 1995 Plymouth Voyager and was accompanied by a female passenger later identified as Lucina SANTIAGO-Pascual. Defendant presented a Permanent Resident Card (I-551) bearing the name Jaime Ignacio Tellez as his entry document to a U.S. Customs and Border Protection (CBP) Officer. Defendant also presented a Permanent Resident Alien Card (I-551) bearing the name Ana E. Garcia De Alvarez on behalf of the passenger. The CBP Officer suspected Defendant and the passenger were not the lawful owners of the documents presented and escorted them to secondary for further inspection.

In secondary, Defendant and passenger were confirmed to be impostors to the documents presented. Defendant was searched by fingerprint submission through the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS returned a match to the query revealing Defendant's true identity and linking him to FBI and Immigration Service records.

Queries through the Central Index System (CIS) and the Deportable Alien Control System (DACS) identified Defendant as a citizen of Mexico without legal rights or documents to enter the United States. DACS records indicate Defendant was ordered deported from the United States by an Immigration Judge on or about July 5, 2006. Immigration records contain no evidence that Defendant has applied for or received permission from the Attorney General or the Secretary of Homeland Security to legally re-enter the United States.

During a video recorded proceeding, Defendant was advised of his Miranda rights. Defendant acknowledged his rights and agreed to answer questions without the benefit of counsel. Defendant admitted he is a citizen of Mexico by birth in Tijuana, Baja California, Mexico. Defendant admitted he has no legal rights or documents to enter the United States. Defendant admitted he was deported by an Immigration Judge and was physically removed from the United States to Mexico. Defendant admitted he has not obtained permission from the United States government to legally re-enter the United States. Defendant stated he intended to travel to San Ysidro, California to drop off the passenger he attempted to bring into the United States.